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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/733,185	BHATT, BHAVESH B.	
	Examiner	Art Unit	
	CHRIS PARRY	2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *47 and 49-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *47 and 49-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 47 and 49-51 have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground of rejection has been used to address additional limitations that have been added to Claims 47 and 49, a response is considered necessary for several of applicant's arguments since reference Williams, will continue to be used to meet several claimed limitations.

In response to applicant's argument (page 7, 2nd full ¶) starting Tsukidate and Williams fail to disclose or suggest a set-top receiver receiving first data from a user, wherein the first data identifies a television channel that is most frequently viewed by the user, wherein the television channel is one of a plurality of television channels, the examiner respectfully disagrees.

Williams teaches system controller 104 allows the users to initially "train" the system with specific user preferences such as selecting all of their preferences which includes direct input of specific options such as preferred channels (Col. 10, lines 42-56). Williams further teaches profile database 800 is used to store preference information related to the user such as the user's top ten favorite shows and most frequently or "favorite" channels (Col. 6, line 64 to Col. 7, line 2).

Therefore, Williams teaches a set-top receiver (104 – figure 1) receiving first data from a user (i.e., system controller 104 allows the user to "train" the system with specific

user preferences), wherein the first data (i.e., preferred channels) identifiers a television channel that is most frequently viewed by the user (i.e., during training a user can input their preferred channels and the system can monitor the channels the user tunes to in order to fine tune the preferred channels list), wherein the television channel is one of a plurality of television channels (Col. 10, lines 42-56; Col. 6, line 64 to Col. 7, line 2; & Col. 8, lines 14-32).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 47 and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. “Williams” (USPN 5,977,964) in view of Tsukidate et al. “Tsukidate” (USPN 6,507,950).

Regarding Claim 47, Williams discloses a method comprising:

a set-top receiver (104 – figure 1 and 600 – figure 6; system controller 600 has same functionality as system controller 104 and system controller may be a set-top box; Col. 3, lines 30-33 and Col. 14, lines 3-7) receiving first data from a user (i.e., system controller 104 allows the user to “train” the system with specific user preferences), wherein the first data identifies a television channel that is most frequently viewed by the user (i.e., during training a user can input their preferred channel (i.e., channel 2)

and the system controller 104 can monitor the channels the user tunes to in order to fine tune the preferred channels list), wherein the television channel is one of a plurality of television channels (i.e., channel 2 is the user's favorite out of the at least four channels shown in profile database 800 in figure 8) (Col. 10, lines 42-54; Col. 6, line 63 to Col. 7, line 2; and Col. 5, line 64 to Col. 6, line 10);

the set-top receiver storing the first data in memory (i.e., user data is stored in user profile database 800) (Col. 5, line 52 to Col. 6, line 24);

the set-top receiver [104] receiving second data from the user (i.e., system controller 104 allows the user to "train" the system with specific user preferences), wherein the second data identifies a television program that is most frequently viewed by the user (i.e., during training a user can input their favorite television program), wherein the television program is one of plurality of television programs (i.e., user can identify their favorite program out of several during the initial training) (Col. 6, line 63 to Col. 7, line 2 and Col. 10, lines 42-54);

the set-top receiver storing the second data in memory (i.e., user data is stored in user profile database 800) (Col. 5, line 52 to Col. 6, line 24);

the set-top receiver [104] receiving a first electronic program guide (EPG) after the set-top receiver stores the first and second data in memory (i.e., a remote server provides program information for program database 900) (Col. 8, lines 41-65);

the set-top receiver [104] storing the first EPG to a hard disk (620 - figure 6) of the set-top receiver (i.e., program database 900 is stored in system controller 104 and

system controller 104 comprises mass storage 620 for permanent storage of programming data) (Col. 8, lines 46-56 and Col. 14, lines 45-50);

the set-top receiver comparing the first data stored in memory (i.e., preferred channels stored in user profile database 800) with data of the first EPG (i.e., controller 104 scans the programming information found in a program database 900 stored on mass storage 620 to identify programs which may be of particular interest to the user based on the user profile stored on user profile database 800) (Col. 7, lines 39-50 and Col. 8, lines 41-48); and

the set-top receiver comparing the second data stored in memory (i.e., user's favorite show, such as Michigan football games) with data of the first EPG (i.e., controller 104 scans the programming information found in a program database 900 stored on mass storage 620 to identify programs which may be of particular interest to the user based on the user profile stored on user profile database 800) (Col. 8, lines 41-48 and Col. 11, lines 21-46).

Williams discloses the display of the television schedule grid is a configurable option wherein the television schedule grid displays only those channels which user profile database 800 indicates the current user watches (Col. 7, lines 30-58). Williams further teaches mass storage device 620 is used to provide permanent storage for the data and programming instructions and system memory 614 is used to provide temporary storage for the data and programming instructions when executed by processor 602. However, Williams fails to specifically disclose storing a first and second portion of the first EPG from the hard disk to a random access memory of the set-top

receiver in response to the set-top receiver identifying a match between the first and second data and data of the first EPG.

In an analogous art, Tsukidate discloses a method comprising:

a set-top receiver (31 – figure 5) receiving first data (i.e., retrieval key word summarized data 27) (Col. 8, line 57 to Col. 9, line 31 & Col. 12, line 56 to Col. 13, line 55);

the set-top receiver [31] receiving second data (i.e., collection key retrieval result summarized data 28) (Col. 8, line 57 to Col. 9, line 31; Col. 10, lines 9-13 and Col. 12, line 56 to Col. 13, line 55);

the set-top receiver receiving a first electronic program guide (EPG) (i.e., program information) (Col. 9, line 65 to Col. 10, line 3 and Col. 12, lines 41-50);

the set-top receiver storing the first EPG to a hard disk (51 – figure 10) of the set-top receiver (Col. 12, lines 10-20 and 60-65);

the set-top receiver comparing the first data with data of the first EPG ("match" operation, Col. 12, lines 56-59; discussed at Col. 8, line 44 to Col. 9, line 31);

the set-top receiver comparing the second data with data of the first EPG ("match" operation, Col. 12, lines 56-59; discussed at Col. 8, line 44 to Col. 9, line 31);

storing (i.e., moving) a first portion (i.e., retrieval key word summarized data 27) of the first EPG from the hard disk to a random access memory (RAM) (internal memory of control unit 55, Col. 12, lines 23-26) of the set-top receiver in response to the set-top receiver identifying a match between the first data and data of the first EPG (Col. 12, line 62 to Col. 13, line 14 and Col. 14, lines 25-34); and

storing (i.e., moving) a second portion (i.e., collection key retrieval result summarized data 28) of the first EPG from the hard disk to a random access memory (RAM) (internal memory of control unit 55, Col. 12, lines 23-26) of the set-top receiver in response to the set-top receiver identifying a match between the second data and data of the first EPG (Col. 12, line 65 - Col. 13, line 17 and Col. 14, lines 25-34).

Tsukidate further teaches moving portions of the first EPG matching a "recommended programs" attribute (Col. 10, lines 8-13) and using the RAM (55 - figure 10) to cache the portions of the first EPG retrieved and extracted from the hard disk (51 - figure 10) by operation of the processor (Col. 13, lines 9-17). Tsukidate further discloses utilizing internal memory or RAM as cache memory to store basic program information or first potion of the first EPG so it can be read from internal memory 55 and displayed instantaneously (Col. 14, lines 25-35). Tsukidate additionally discloses updating the program information stored in internal memory 55 and storing data back to disk unit 51. By moving program data to disk unit 51, as is known in the art, receiver 31 is free to delete data that was previously stored in memory 55 in order to allow storage of updated data. Thus, Tsukidate discloses it is known to store master data or "first EPG data" to a hard disk and to store preferred channel data in a cache memory.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Williams to include storing a first and second portion of the first EPG from the hard disk to a random access memory of the set-top receiver in response to the set-top receiver identifying a match between the first and second data and data of the first EPG as taught by Tsukidate for the benefit of

when the instruction to display program information is inputted by the user, the EPG is prepared and displayed for the user almost instantaneously.

Regarding Claim 49, Williams discloses a method comprising:

a set-top receiver (104 – figure 1 and 600 – figure 6; system controller 600 has same functionality as system controller 104 and system controller may be a set-top box; Col. 3, lines 30-33 and Col. 14, lines 3-7) receiving a first set of data from a user (i.e., system controller 104 allows the user to "train" the system with specific user preferences), wherein data of the first set identifies several television channels that are most frequently viewed by the user (i.e., during training a user can input their preferred channels and the system controller 104 can monitor the channels the user tunes to in order to fine tune the preferred channels list), wherein the several television channels represent a subset of a plurality of television channels (i.e., the user may choose to rank their top 5 channels out of the entire cable or satellite line up which are stored in profile database 800) (Col. 10, lines 42-54; Col. 6, line 63 to Col. 7, line 2; and Col. 5, line 64 to Col. 6, line 10);

the set-top receiver [104] receiving a first electronic program guide (EPG) after the set-top receiver receives the first set of data (i.e., a remote server provides program information for program database 900) (Col. 8, lines 41-65);

the set-top receiver [104] storing the first EPG to a hard disk (620 - figure 6) of the set-top receiver (i.e., program database 900 is stored in system controller 104 and

system controller 104 comprises mass storage 620 for permanent storage of programming data) (Col. 8, lines 46-56 and Col. 14, lines 45-50); and

the set-top receiver comparing each data of the first set (i.e., preferred channels stored in user profile database 800) with data of the first EPG (i.e., controller 104 scans the programming information found in a program database 900 stored on mass storage 620 to identify programs which may be of particular interest to the user based on the user profile stored on user profile database 800) (Col. 7, lines 39-50 and Col. 8, lines 41-48).

Williams discloses the display of the television schedule grid is a configurable option wherein the television schedule grid displays only those channels which user profile database 800 indicates the current user watches (Col. 7, lines 30-58). Williams further teaches mass storage device 620 is used to provide permanent storage for the data and programming instructions and system memory 614 is used to provide temporary storage for the data and programming instructions when executed by processor 602. However, Williams fails to specifically disclose storing a first a plurality of first portions of the first EPG from the hard disk to a random access memory of the set-top receiver in response to the set-top receiver comparing each data of the first set with data of the first EPG.

In an analogous art, Tsukidate discloses a method comprising:

a set-top receiver (31 – figure 5) receiving first set of data (i.e., retrieval key word summarized data 27) (Col. 8, line 57 to Col. 9, line 31, Col. 10, lines 9-13, & Col. 12, line 56 to Col. 13, line 55);

the set-top receiver receiving a first electronic program guide (EPG) after the set-top receiver receives the first set of data (Col. 9, line 65 to Col. 10, line 3 and Col. 12, lines 41-50);

the set-top receiver storing the first EPG to a hard disk (51 – figure 10) of the set-top receiver (Col. 12, lines 10-20 and 60-65);

the set-top receiver comparing each data of the first set with data of the first EPG ("match" operation, Col. 12, lines 56-59; discussed at Col. 8, line 44 to Col. 9, line 31);

storing (i.e., moving) a plurality of first portions (i.e., collection keys 26, retrieval key word summarized data 27, and collection key retrieval result summarized data 28) of the first EPG from the hard disk [51] to a random access memory (RAM) (internal memory of processor 55, Col. 12, lines 23-26) of the set-top receiver in response to the set-top receiver comparing each data of the first set with data of the first EPG (Col. 12, line 65 to Col. 13, line 17 and Col. 14, lines 25-34);

accessing one or more of the first portions of the first EPG (i.e., recommend programs) stored in the RAM (Col. 12, line 56 to Col. 13, line 56);

the set-top receiver detecting one of the first portions of the first EPG stored in the RAM, which is less frequently accessed than the other first portions of the first EPG stored in the RAM (i.e., retrieving portions of EPG for storage in RAM based on frequency of utilization, Col. 13, lines 10-35); and

moving the detected one of the first portions of the first EPG stored in the hard disk (Col. 13, lines 41-56).

Tsukidate further teaches moving portions of the EPG matching a "recommended programs" attribute (Col. 10, lines 8-13) and using the RAM (55 - figure 10) to cache the portions of the EPG retrieved and extracted from the hard disk (51 - figure 10) by operation of the processor (Col. 13, lines 9-17). Tsukidate further discloses utilizing internal memory or RAM as cache memory to store basic program information or first potion of the EPG so it can be read from internal memory 55 and displayed instantaneously (Col. 14, lines 25-35). Tsukidate additionally discloses updating the program information stored in internal memory 55 and storing data back to disk unit 51. By moving program data to disk unit 51, as is known in the art, receiver 31 is free to delete data that was previously stored in memory 55 in order to allow storage of updated data. However, Tsukidate fails to explicitly disclose storing a plurality of first portions of the EPG from the hard disk to a RAM of the set-top receiver in response to the set-top receiver comparing each data of the first set with data of the EPG and specifically disclosing receiving a second EPG.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Williams to include storing a first a plurality of first portions of the first EPG from the hard disk to a random access memory of the set-top receiver in response to the set-top receiver comparing each data of the first set with data of the first EPG as taught by Tsukidate for the benefit of when the instruction to display program information is inputted by the user, the EPG is prepared and displayed for the user almost instantaneously.

As for Claim 50, Williams and Tsukidate disclose the method of claim 49 further comprising:

the set-top receiver receiving a second set of data, wherein each data of the second set identifies a respective program that can be presented on a television (i.e., system controller 104 monitors user viewing habits and stores the most frequently watched programs in database 800) (Williams: Col. 6, line 63 to Col. 7, line 2 and Col. 8, lines 14-32);

the set-top receiver comparing each data of the second set (i.e., top ten favorite shows, such as Michigan football games) with data of the first EPG (i.e., program information) (Williams: Col. 8, lines 41-46 and Col. 11, lines 21-46);

storing (i.e., moving) a plurality of second portions (i.e., collection key retrieval result summarized data 28) of the first EPG from the hard disk (51 – figure 10) to the RAM (internal memory of control unit 55, Col. 12, lines 23-26) of the set-top receiver in response to the set-top receiver comparing each data of the second set with data of the first EPG (Tsukidate: Col. 12, line 65 to Col. 13, line 17 and Col. 14, lines 25-34).

As for Claim 51, Tsukidate and Williams disclose the method of claim 50 further comprising:

the set-top receiver receiving third set of data, wherein the set of data identifies a respective time slot (i.e., system controller 104 monitors user viewing habits and stores the most frequently watched programs in database 800) (Williams: Col. 6, line 63 to Col. 7, line 2 and Col. 8, lines 14-32);

the set-top receiver comparing each data of the third set with data of the first EPG (i.e., program information) (Williams: Col. 7, line 59 to Col. 8, line 3 and Col. 8, lines 41-46);

storing a plurality of third portions (i.e., program basic information) of the first EPG from the hard disk (51 – figure 10) to the RAM (55 – figure 5) of the set-top receiver in response to the set-top receiver comparing each data of the third set with data of the first EPG (Tsukidate: Col. 12, line 65 to Col. 13, line 17 and Col. 14, lines 25-34).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRIS PARRY whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN MILLER can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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